

- c) for each of the two parts, shrinking the opening so as to form an at least partially closed butt that encloses the respective one of said jaws, pressing the tissue surrounding the opening to form a pair of adjoining lips and stapling said lips together by means of a linear stapler, and
  - d) operating said annular stapler so as to pull the two said butts together and essentially combine the two annular areas into a combined annular area, to staple the two organs or segments to each other over said combined annular area and to cut away portions of said butts that are central to said combined annular area.
- v) Please replace pages 37-40 by the replacement pages submitted herewith.

### REMARKS

The specification before the Examiner is a divisional application following the restriction/election required under 35 U.S.C 121 by the Examiner on June 21, 2000 for Application Ser. No. 09/214,039

The claims before the Examiner are directed toward specific surgical methods, using a flexible annular stapler (to the present applicant), for joining together two parts of hollow tubular organs, in closed surgery (i.e., Laparoscopic surgery) conditions.

Examination of the present application in view of the amendments and remarks following is respectfully requested.

- i) Claims 1-9 and 17 were allowed in US patent application serial No. 08/687,315 (now US patent No. 5,855,312)
- ii) Claims 10-16 and 18-22 were cancelled and replaced by claims 41-66. These claims (41-66) were subject to Continued Prosecution Application (of US Patent Application Ser. No. 09/214,039) and were allowed in US Patent Application Serial No. 09/846,362 now pending.
- iii) Claims 25-26 were cancelled concomitantly with the above amended independent claim 23 in response to the written /opinion mailed 21 April 98.
- iv) The amended independent claim 23 here above and its dependent claims 24 and 27 were deemed to meet the criteria of Novelty, Inventive step and Industrial Applicability in the International Preliminary Examination Report (PCT/IB97/00887) mailed 06 Jan. 99 by the US Authority.
- v) Submitted herewith are replacement pages 37-40 in which amendments have been effected to the other claims of the present specification.

More specifically, independent claim 28, has been amended to recite that the steps of the method enumerated therein are performed under conditions of closed surgery (i.e. laparoscopic surgery). Its respective claim 30, previously reciting such limitation has been cancelled . Claim 32 now depends from claim 31 instead of claim 28.